

STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.

Valuation of Security Assumption of Executory Contract or Unexpired Lease Lien Avoidance

Last revised: September 1, 2018

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In Re:
MARK and ALEXIS COLLINS

Case No.: 19-27330

Judge: Altenburg, Jr.

Debtor(s)

Chapter 13 Plan and Motions

☐ Original ☒ Modified/Notice Required Date: 05/10/2020
☒ Motions Included ☐ Modified/No Notice Required

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS MAY BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the *Notice*. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

The following matters may be of particular importance. Debtors must check one box on each line to state whether the plan includes each of the following items. If an item is checked as "Does Not" or if both boxes are checked, the provision will be ineffective if set out later in the plan.

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☒ DOES ☐ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☐ DOES ☒ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney: JS

Initial Debtor: MC

Initial Co-Debtor: AC

Part 1: Payment and Length of Plan

a. The debtor shall pay \$ 193 per month to the Chapter 13 Trustee, starting on June for approximately 52 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

☒ Future earnings

☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☐ Sale of real property

Description:

Proposed date for completion: _____

☐ Refinance of real property:

Description:

Proposed date for completion: _____

☐ Loan modification with respect to mortgage encumbering property:

Description:

Proposed date for completion: _____

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection ☒ **NONE**

a. Adequate protection payments will be made in the amount of \$ _____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).

b. Adequate protection payments will be made in the amount of \$ _____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
CHAPTER 13 STANDING TRUSTEE	ADMINISTRATIVE	AS ALLOWED BY STATUTE
ATTORNEY FEE BALANCE	ADMINISTRATIVE	BALANCE DUE: \$3,000.00
DOMESTIC SUPPORT OBLIGATION		

b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:
Check one:

☐ None

☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
	Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount.		

Part 4: Secured Claims

a. Curing Default and Maintaining Payments on Principal Residence: ☐ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Rushmore Loan Mortgage	Mortgage	\$7,531.00	0	\$7,531.00	\$1,082.00

b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

c. Secured claims excluded from 11 U.S.C. 506: ☒ NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation

d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments ☒ NONE

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this Section ALSO REQUIRES
the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.
N/A

e. Surrender ☐ NONE

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
PA Housing Finance Agency	single family home	\$115,000.00	\$18,463.00

f. Secured Claims Unaffected by the Plan ☐ **NONE**

The following secured claims are unaffected by the Plan:
GM Financial, auto loan

g. Secured Claims to be Paid in Full Through the Plan: ☒ **NONE**

Creditor	Collateral	Total Amount to be Paid Through the Plan

Part 5: Unsecured Claims ☐ **NONE**

a. Not separately classified allowed non-priority unsecured claims shall be paid:

- ☐ Not less than \$ _____ to be distributed *pro rata*
☐ Not less than _____ percent
☒ *Pro Rata* distribution from any remaining funds

b. Separately classified unsecured claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
N/A			

Part 6: Executory Contracts and Unexpired Leases ☒ NONE

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment

Part 7: Motions ☐ NONE

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f). ☐ NONE

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
Secretary of Housing and Urban Development	single family residence	2nd mortgage	\$39,265.89	\$109,000.00	\$39,265.89	\$118,197.00	\$39,265.89

b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured. ☒ NONE

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. ☒ NONE

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☐ Upon confirmation
☒ Upon discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee commissions
- 2) Other Administrative and Priority Claims
- 3) Secured Claims
- 4) Unsecured Claims

d. Post-Petition Claims

The Standing Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification ☐ NONE

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: 05/07/2020.

Explain below **why** the plan is being modified:
4e: Client is surrendering a 2nd property
7a: motion to avoid 2nd mortgage

Explain below **how** the plan is being modified:
4e: Added property that is being surrendered
7a: Added 2nd mortgage to be discharged

Are Schedules I and J being filed simultaneously with this Modified Plan? ☐ Yes ☒ No

Part 10: Non-Standard Provision(s): Signatures Required

Non-Standard Provisions Requiring Separate Signatures:

☒ NONE

☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are ineffective.

Signatures

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

By signing and filing this document, the debtor(s), if not represented by an attorney, or the attorney for the debtor(s) certify that the wording and order of the provisions in this Chapter 13 Plan are identical to Local Form, *Chapter 13 Plan and Motions*, other than any non-standard provisions included in Part 10.

I certify under penalty of perjury that the above is true.

Date: 05/10/2020

/s/ Mark Collins
Debtor

Date: 05/10/2020

/s/ Alexis Collins
Joint Debtor

Date: 05/10/2020

/s/ Joel Schwartz
Attorney for Debtor(s)

Certificate of Notice Page 11 of 12

United States Bankruptcy Court
District of New JerseyIn re:
Mark Collins
Alexis Collins
DebtorsCase No. 19-27330-ABA
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-1

User: admin
Form ID: pdf901Page 1 of 2
Total Noticed: 31

Date Rcvd: May 12, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 14, 2020.

db/jdb +Mark Collins, Alexis Collins, 619 Cedar Court, Pleasantville, NJ 08232-4202
 lm +Rushmore Loan Management Services, P.O. Box 55004, Irvine, CA 92619-5004
 518452403 +Apex, 2501 Oregon Pike, Suite 102, Lancaster, PA 17601-4890
 518452404 +Ashley Furniture c/o Stephen Einstein, 20 Vesey Street, Suite 1406,
 New York City, NY 10007-4217
 518452405 +Aspenn, 1430 Jersey Avenue, Suite 1, North New Brunswick, NJ 08902-1659
 518452406 +Atlantic Care, PO Box 360, Findlay, OH 45839-0360
 518452407 +Chrysler Capital, PO Box 660335, Dallas, TX 75266-0335
 518478434 +Chrysler Capital, PO Box 961275, Fort Worth, TX 76161-0275
 518452408 +Credit Corp Solutions c/o Jarod Miller Court Offic, PO Box 218, New Gretna, NJ 08224-0218
 518493885 +First Guaranty Mortgage Corporation, c/o Rushmore Loan Management Services, P.O. Box 52708,
 Irvine, CA 92619-2708
 518495932 +First Guaranty Mortgage Corporation, Attn Rushmore Loan Management Services,, PO Box 55004,
 Irvine, CA 92619-5004
 518452410 +Lawn Doctor, 6604 Delilah Road, Suite 2, Egg Harbor Twp, NJ 08234-5666
 518452411 +PA Housing Finance, 211 N Front Street, Harrisburg, PA 17101-1406
 518574929 +Pennsylvania Housing Finance Agency, 211 North Front Street, Harrisburg, PA 17101-1406
 518452412 +Plymouth Rock Insurance, 725 Canton Street, Norwood, MA 02062-2679
 518452415 +Rushmore Loan Management, PO Box 814529, Dallas, Texas 75381-4529
 518452416 +Sprint, PO Box 629023, El Dorado Hills, CA 95762-9023
 518452417 +Synchrony Bank(Sams Club), PO box 13105, Roanoke, VA 24031-3105
 518452418 +US Department of Education, 15480 Laguna Canyon Road, S, Irvine, CA 92618-2132

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
smg E-mail/Text: usanj.njbankr@usdoj.gov May 12 2020 23:38:46 U.S. Attorney, 970 Broad St.,
Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov May 12 2020 23:38:45 United States Trustee,
Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
Newark, NJ 07102-5235518504030 E-mail/Text: GMFINANCIAL@EBN.PHINSOLUTIONS.COM May 12 2020 23:38:09
AmeriCredit Financial Services, Inc., dba GM Financial, P O Box 183853,
Arlington, TX 76096518495900 +E-mail/Text: bankruptcy@pepcoholdings.com May 12 2020 23:38:11
Atlantic City Electric Company, 5 Collins Drive, Suite 2133, Mail Stop 84CP42,
Carneys Point, NJ 08069-3600518452409 +E-mail/Text: GMFINANCIAL@EBN.PHINSOLUTIONS.COM May 12 2020 23:38:09 GM Financial,
PO Box 183834, Arlington, TX 76096-3834518539053 +E-mail/Text: bankruptcydpt@mcmcg.com May 12 2020 23:38:44 Midland Funding LLC,
PO Box 2011, Warren MI 48090-2011518524579 +E-mail/Text: csc.bankruptcy@amwater.com May 12 2020 23:39:24 New Jersey American Water,
PO Box 578, Alton, IL 62002-0578518540825 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com May 12 2020 23:43:54
Portfolio Recovery Associates, LLC, c/o Capital One Bank (usa), N.a., POB 41067,
Norfolk VA 23541518452413 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com May 12 2020 23:43:54
Portfolio Recovery Association, LLC, 120 Corporate Blvd, Norfolk, VA 23502-4952518552932 E-mail/Text: bnc-quantum@quantum3group.com May 12 2020 23:38:34
Quantum3 Group LLC as agent for, Credit Corp Solutions Inc, PO Box 788,
Kirkland, WA 98083-0788518453428 +E-mail/PDF: gecsed@recoverycorp.com May 12 2020 23:44:19 Synchrony Bank,
c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021518470966 +E-mail/PDF: OGCRegionIIBankruptcy@hud.gov May 12 2020 23:43:50
US Department of Housing and Urban Development, 451 7th Street SW,
Washington, DC 20410-0002

TOTAL: 12

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

518452414* +Portfolio Recovery Association, LLC, 120 Corporate Blvd, Norfolk, VA 23502-4952

TOTALS: 0, * 1, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

District/off: 0312-1

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 31

Date Rcvd: May 12, 2020

***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: May 14, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 11, 2020 at the address(es) listed below:

Brian E Caine on behalf of Creditor First Guaranty Mortgage Corporation
bcaine@parkermccay.com, BKcourtnotices@parkermccay.com
Brian E Caine on behalf of Loss Mitigation Rushmore Loan Management Services
bcaine@parkermccay.com, BKcourtnotices@parkermccay.com
Denise E. Carlon on behalf of Creditor Pennsylvania Housing Finance Agency
dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Isabel C. Balboa ecmail@standingtrustee.com, summarymail@standingtrustee.com
Isabel C. Balboa on behalf of Trustee Isabel C. Balboa ecmail@standingtrustee.com,
summarymail@standingtrustee.com
Jennifer R. Gorchow on behalf of Trustee Isabel C. Balboa jgorchow@standingtrustee.com
Joel Lee Schwartz on behalf of Debtor Mark Collins esqinac@aol.com, stacygreen7@aol.com
Joel Lee Schwartz on behalf of Joint Debtor Alexis Collins esqinac@aol.com,
stacygreen7@aol.com
Kevin Gordon McDonald on behalf of Creditor Pennsylvania Housing Finance Agency
kmcdonald@kmlawgroup.com, bkgroup@kmlawgroup.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 10